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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,230	09/25/2001	Michael J. Payne	42390P12154	7879

7590

09/22/2004

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EXAMINER
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SKED, MATTHEW J

ART UNIT	PAPER NUMBER
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2655

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/965,230

**Applicant(s)**

PAYNE ET AL.

**Examiner**

Matthew J Sked

**Art Unit**

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/2/04</u> . | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Specification***

1. The abstract of the disclosure is objected to because the abstract is simply a recitation of the claims. Correction is required. See MPEP § 608.01(b).
2. The disclosure is objected to because of the following informalities: the specification is missing the summary. "A brief summary of the invention indicating its nature and substance, which may include a statement of the object of the invention, should precede the detailed description. Such summary should, when set forth, be commensurate with the invention as claimed and any object recited should be that of the invention as claimed". See MPEP § 1.73.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ortega et al. (U.S. Pat. 6,085,159) in view of Gladstein et al. (U.S. Pat. 6,456,972).

As per claims 1, 11 and 21, Ortega teaches a computer-implemented method that necessarily resides on a computer-readable medium to select a process from an information display by speaking comprising:

defining a bounded region on the information display (active program view is a window on a screen, col. 2, lines 43-44);

indicates the processes that are speech enabled by displaying them (text editing commands are present when functionality is available, col. 2, lines 59-63); and

relating a command with said bounded region where said command causes the process to be selected when spoken (user utters a command that the user sees and the command will be executed, col. 2, lines 18-22).

Ortega does not teach indicating the speech enabled processes by color.

Gladstein suggests using color in an enable command list to clarify the choices (color in application grammar, col. 6, lines 33-38).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Ortega to indicate the speech enabled processes by using color as taught by Gladstein because it would allow deciphering and displaying of all the commands not only the speech enabled commands.

5. Regarding claims 2, 12, and 22, Ortega teaches the information display to be two-dimensional (Fig. 1).

6. Regarding claims 3, 13, and 23, Ortega teaches the bounded region is in a shape of a character (commands are strings of characters, Fig. 1, element 22).

7. Regarding claim 4, Ortega and Gladstein do not specifically teach or suggest using color when the process has been selected.

However, the Examiner takes Official Notice that it is commonly known to highlight a user's choice in an interface. Thus, it would have been obvious to one of

ordinary skill in the art at the time of invention to modify the system of Ortega and Gladstein to use color when a process has been selected so as to verify the user's selection.

8. As per claims 5, 14 and 24, Ortega teaches a computer-implemented method that necessarily resides on a computer-readable medium to select a process from an information display by speaking comprising:

defining a bounded region on the information display (active program view is a window on a screen, col. 2, lines 43-44);

indicates the processes that are speech enabled by displaying them (text editing commands are present when functionality is available, col. 2, lines 59-63);

associating a second region of the information display with said bounded region (displaying information associated with a field in the original window in another window, col. 3, lines 23-27); and

relating a command with said bounded region where said command causes the process to be selected when spoken (user utters a command that the user sees and the command will be executed, col. 2, lines 18-22).

Ortega does not teach indicating the speech enabled processes by color.

Gladstein suggests using color in an enable command list to clarify the choices (color in application grammar, col. 6, lines 33-38).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Ortega to indicate the speech enabled processes by

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using color as taught by Gladstein because it would allow deciphering and displaying of all the commands not only the speech enabled commands.

9. Regarding claims 6, 15, and 25, Ortega teaches the information display to be two-dimensional (Fig. 1).

10. Regarding claims 7, 16, and 26, Ortega teaches the bounded region is in a shape of a character (commands are strings of characters, Fig. 1, element 22).

11. Regarding claim 17, Ortega and Gladstein do not specifically teach or suggest using color when the process has been selected.

However, the Examiner takes Official Notice that it would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Ortega and Gladstein to use color when a process has been selected because it is commonly known to highlight a user's choice in an interface so as to facilitate the user's selection.

12. As per claims 8, 18, and 27, Ortega teaches a computer-implemented method that necessarily resides on a computer-readable medium to select a process from an information display by speaking comprising:

defining a bounded region on the information display (active program view is a window on a screen, col. 2, lines 43-44);

indicates the processes that are speech enabled by displaying them (text editing commands are present when functionality is available, col. 2, lines 59-63);

associating a second region of the information display with said bounded region (displaying information associated with a field in the original window in another window, col. 3, lines 23-27); and

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relating what is implied by a command with said bounded region where said command causes the process to be selected when spoken (user utters a command that the user sees and the command will be executed, col. 2, lines 18-22 and uses hot keys, col. 2, lines 52-55).

Ortega does not teach indicating the speech enabled processes by color.

Gladstein suggests using color in an enable command list to clarify the choices (color in application grammar, col. 6, lines 33-38).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Ortega to indicate the speech enabled processes by using color as taught by Gladstein because it would allow deciphering and displaying of all the commands not only the speech enabled commands.

13. Regarding claims 9, 19, and 28, Ortega teaches the information display to be two-dimensional (Fig. 1).

14. Regarding claims 10, 20, and 29, Ortega teaches the bounded region is in a shape of a character (commands are strings of characters, Fig. 1, element 22).

15. Regarding claim 30, Ortega and Gladstein do not specifically teach or suggest using color when the process has been selected.

### ***Conclusion***

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. VanBuskirk et al. (U.S. Pat. 6,308,157), VanBuskirk et al. (U.S. Pat. 6,075,534), Lewis et al. (U.S. Pat. 6,324,507), Leontiades et al. (U.S. Pat.

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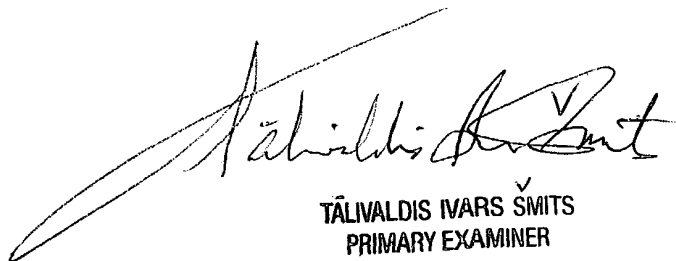
5,909,667), Kuromusha et al. (U.S. Pat. Pub. 2002/0026320A1), and Van Kleeck et al. (U.S. Pat. 5,890,122) teach interfaces for speech recognition applications.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J Sked whose telephone number is (703) 305-8663. The examiner can normally be reached on Mon-Fri (8:00 am - 4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Talivaldis Smits can be reached on (703) 306-3011. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MS  
09/10/04



TĀLIVALDIS IVARS SMITS  
PRIMARY EXAMINER